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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Amendment of the Commission's
Rules to Establish New Personal
Communications Services

GEN Docket No. 90-314

**REPLY OF ENCOMPASS TO PETITIONS FOR RECONSIDERATION
AND OPPOSITIONS THERETO**

Encompass, by its undersigned counsel, hereby submits its Reply to the Petition for Reconsideration of the Federal Communication Commission's ("FCC's" or "Commission's") Second Report and Order in this proceeding^{1/} and the Oppositions thereto. Encompass, a new venture formed in 1993, combines the premier engineering and business talent in PCS. With this talent, Encompass intends to bid for PCS licenses and use its expertise to quickly and efficiently deploy PCS networks in markets across the United States.

Encompass is submitting this Reply in response to the Petition for Reconsideration filed by the Telecommunications Industry Association Mobile and Personal Communications Division ("TIA") and the Oppositions thereto. TIA has requested that the Commission require all PCS technologies to be pre-approved by an

^{1/} Amendment of the Commission's Rules to Establish New Personal Communication Services, Gen. Docket No. 90-314, Second Report and Order (Oct. 22, 1993) ("Second Report and Order").

ANSI accredited standards body.^{2/} Qualcomm Incorporated, an equipment manufacturer, supports a similar requirement in its Opposition to Petitions for Reconsideration.^{3/} By contrast, Northern Telecom, an equipment manufacturer that has announced its development of a PCS system, opposes the requests that the Commission become involved in the standards setting process.^{4/}

Encompass generally supports the use of industry-sponsored standard bodies, such as ANSI accredited bodies, as a way to achieve industry consensus on standards but firmly believes that requiring ANSI approval as a *pre-condition* to technology deployment will delay the offering of available PCS technologies in the United States for at least two to three years. Accordingly, Encompass strongly opposes TIA's request for deployment of only ANSI approved equipment. Such a requirement would limit the PCS technologies available to consumers and contravene the Commission's goal of providing "the maximum flexibility in technical standards so as to allow the new service to develop the most rapid, economically feasible, diverse manner."^{5/}

PCS network technologies, including GSM, currently are available and are being deployed worldwide. No ANSI accredited

^{2/} TIA Petition for Reconsideration at 3.

^{3/} Opposition to Petitions for Reconsideration filed by Qualcomm, Incorporated at 3-4.

^{4/} Opposition to Petitions for Reconsideration filed by Northern Telecom, Inc., at 6-11.

^{5/} Second Report and Order at ¶ 136.


standards body, however, has yet developed a standard for reviewing or approving these technologies. If ANSI approval is required for all PCS technologies as advocated by TIA, the deployment of these *available technologies* and PCS will be delayed unnecessarily at least two to three years. For PCS, more than any other service, rapid network deployment will be essential to recoup the costs of "purchasing the spectrum" through competitive bidding. In addition, PCS will be a highly competitive service.

The Commission's goal of speed of deployment can best be achieved through flexible technical standards that permit future PCS licensees to respond immediately to consumer demand with available technologies. As in other services, industry through a collaborative process and in response to market pressures will adopt standards and provide inter-operable services. Indeed, a general consensus appears to be developing already for the early deployment of GSM as the first PCS technology. This consensus demonstrates the industries ability to reach consensus without government involvement. Accordingly, there is no need, for the Commission to impose itself in the standard setting process by mandating industry standard approval prior to PCS deployment.

The delay that will be imposed by awaiting development and approval of PCS technologies by an ANSI accredited standards body will be significant and will reduce the market value of PCS spectrum and therefore the bidding prices. In addition, in this

competitive market place many entrenched interests stand to benefit from a delay in the roll out of PCS. Accordingly, Encompass urges the Commission to refrain from imposing ANSI approval as a pre-condition to the deployment of PCS technologies.

Respectfully submitted,

A handwritten signature in cursive script, reading "Shelley D. Spencer". The signature is written in dark ink and is positioned above the typed name and address.

Andrew D. Lipman
Shelley D. Spencer
SWIDLER & BERLIN, CHARTERED
3000 K Street, N.W.
Suite 300
Washington, D.C. 20007
(202) 424-7798

Dated: January 13, 1994

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of January, 1994, I caused a true and complete copy of the foregoing "Reply of Encompass to Petitions for Reconsideration and Oppositions Thereto" to be mailed, first-class postage prepaid, to each of the following:

Eric Schimmel
Jesse E. Russell
Telecommunications Industry Association
2001 Pennsylvania Avenue, N.W.
Suite 800
Washington, D.C. 20006

John G. Lamb, Jr.
Northern Telecom Inc.
2100 Lakeside Boulevard
Richardson, Texas 75081-1599

Stephen L. Goodman
Halprin, Temple & Goodman
1301 K Street, N.W.
Suite 1020, East Tower
Washington, D.C. 20005

COUNSEL FOR NORTHERN TELECOM, INC.

Veronica M. Ahern
Albert Shuldiner
Nixon, Hargrave, Devans & Doyle
One Thomas Circle, N.W.
Suite 800
Washington, D.C. 20005

COUNSEL FOR QUALCOMM, INC.


Cathy Sampson